

**Guidelines For Creating  
Local Boating Ordinances  
And  
Placing Waterway Markers  
In Wisconsin Waters**

**PUB-LE-317-2000  
Bureau of Law Enforcement  
Department of Natural Resources**

## INTRODUCTION

These guidelines for writing boating ordinances and placing waterway markers have been designed to help you with basic questions and formats.

Realizing that there still may be additional questions in dealing with these tasks, I have included a list of the regional Department of Natural Resources representatives on the back page that you can contact in your area. Please also refer to this list of DNR representatives when you are submitting any documents for DNR review or approval.

Please take the time to read these guidelines, as it will help us all to expedite processing of your ordinances or waterway marker applications. With your help we can make Wisconsin's waterways a safer place to recreate.

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## **GUIDELINES FOR WRITING LOCAL BOATING ORDINANCES**

State law allows counties, towns, villages, cities, public inland lake protection and rehabilitation districts, and town sanitary districts to enact local regulations relative to boating in the interest of **public health, safety or welfare**, including the public's interest in preserving the state's natural resources. State boating law provides a general framework of regulation, but it is up to towns, villages, cities, public inland lake protection and rehabilitation districts and town sanitary districts, to provide regulations tailored to local conditions. The authority to enact local regulations is found in Chapter 30 of the Wisconsin Statutes. See Sections 30.77(2) and 30.77(3), Wis. Stats. for the exact wording of the enabling legislation. See Chapter 33, Wisconsin Statutes for the language regarding Public Inland Lake Protect and Rehabilitation Districts.

**The following guidelines are designed to aid in the drafting of your ordinance.**

1. State the specific name or a legal description of the waters covered by the ordinance. Be certain an inland lake lies entirely within the jurisdiction of your municipality. If there is more than one jurisdiction on an inland lake, at least one of the following must apply for an ordinance to be valid:
  - a. All towns, villages and cities having jurisdiction over the lake have enacted an identical ordinance.
  - b. At least 50% of the towns, villages and cities having jurisdiction over the lake have enacted an identical ordinance and at least 60% of the footage of the shoreline of the lake is within the boundaries of these towns, villages and cities.

If a town, village or city proposes to amend or repeal the ordinance, they must hold a hearing on the issue at least 30 days before the amendment or repeal takes effect and if after holding the hearing they amend or repeal the ordinance that they enacted so that (b) above no longer applies all the identical ordinances are void.

2. A public inland lake protection and rehabilitation district or a town sanitary district may enact and enforce ordinances applicable to a lake within its jurisdiction only if one of the following apply:
  - a. Each town, village or city having jurisdiction over the lake adopt resolutions authorizing the lake district or town sanitary district to do so.
  - b. At least 50% of the towns, cities or villages having jurisdiction over the lake adopt resolutions authorizing the lake district or town sanitary district to enact or enforce ordinances and at least 60% of the footage of the shoreline of the lake is within the boundaries of these towns, villages or cities.

If a town, village or city proposes to rescind the resolution authorizing a lake district or town sanitary district to enact ordinances so that (b.) above no longer applies it is required to hold a hearing on the issue at least 30 days before the recession will take

effect. If after holding the hearing the town, village or city rescinds the resolution the ordinances adopted by the lake district or town sanitary district are void.

3. A public hearing must be held on any proposed ordinance at least 30 days before it is enacted and a notice of public hearing must be published at least 30 days before the hearing date.
4. Local ordinance demands should be equal to the local ability to enforce. Conservation wardens enforce state law, but can not be expected to respond to complaints of local ordinance violations.
5. All citizens have public rights in navigable waters. The state holds these waters in trust for all the people. Ordinances cannot operate to restrict non-residents.
6. Local ordinances cannot be less restrictive than state law.
7. Riparian rights must be considered. Local ordinances cannot unreasonably interfere with the riparian's basic right of gaining access to the water.
8. Ordinance language should avoid paraphrasing when state statutes are restated in a local ordinance. Where possible, state boating laws should be adopted by reference. This will avoid confusion. This will also ensure that the ordinance remains current without revision in the event of statutory changes.
9. Provisions such as Sections 30.60, 30.61, 30.62, 30.63, 30.64, 30.67, 30.675, 30.68(3)(b) and 30.71, Wis. Stats., which deal with equipment requirements and safety regulations may not be changed by local ordinances except pursuant to NR 5.19, Wis. Adm. Code, which allows certain exceptions for water exhibitions and races.
10. If an ordinance is enacted according to Sections 30.77(3), posting in accordance with Section 30.77(4) and NR 5.15 Wis. Adm. Code must be accomplished to insure an enforceable ordinance. Posting enables boaters to read and **understand** the local regulations. The clearer the language the better. (See "Posting of Local Ordinance" section for more information)  
  
A posted map of the local water with colored in restricted zones is an excellent way to convey information to boaters.
11. All controlled areas such as slow-no-wake areas must be specifically described in an ordinance.
12. Regulatory waterway markers must be authorized in a local ordinance, and authorized on the waterway marker application (Form 8700-58) and approved by the Department of Natural Resources.

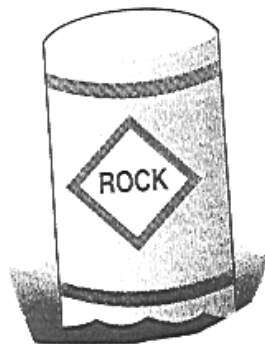
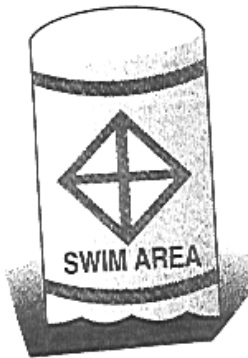
13. Speed restrictions designated in miles per hour can be difficult to enforce. Slow-no-wake is preferable where appropriate.
14. Uniformity of traffic rules throughout the state is necessary so that the transient boater and the public in general may know the law. Ordinances regulating local conditions such as approaching or leaving docks and landings should conform as nearly as possible to state law.
15. Where state law specifically allows something, local regulations cannot prohibit the same. For example, age requirements for operation cannot deviate from state law.
16. Across the board regulation by boat size, type, or horsepower has been considered an unwarranted restriction of public rights in previous court rulings.
17. Where an ordinance imposes regulations which are more restrictive than state law, the Department will require a condition report outlining the local conditions which necessitate such a restriction. See the Condition Report section (page 7) of this handbook for further direction.
18. It is suggested that all ordinances contain a severability section.
19. All ordinances must contain a separate penalty section. As required by Chapter 800.04(2), Wis. Stats., deposits for boating violations shall be in accordance with the amount established by the uniform deposit schedule under s. 23.66, Wis. Stats. It is suggested that the penalty section be worded: **Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.** (Note: A uniform bond schedule may be obtained from the Recreational Safety Warden in your region. See map on back cover.
20. Ordinances for inland lakes must be submitted to the Department of Natural Resources for review at least 60 days prior to final action thereon.
21. A signed, dated copy of all ordinances must be submitted to the Department after passage in order for the ordinance to be legal.

The amount and type of water-based activities is constantly growing and local regulation can be responsive to the public need. Through regulation, a safe enjoyable water environment can be provided while at the same time controlling undesirable conflict. Understanding is needed by everyone involved in the regulatory process in order to solve Wisconsin's boating problems.

This handbook contains example ordinances that may be used in drafting a local ordinance to meet your specific needs. Feel free to use the suggested wording, filling in the blanks and making revisions where necessary.

We recommend following the suggested format to ensure accuracy, uniformity and completeness.

If assistance is desired in writing your ordinance, your local Conservation Warden or the Department of Natural Resources Regional Recreational Safety Warden should be contacted.



## **REFERENCES:**

### **Wisconsin Statutes**

30.77(4) **Publicizing Local Regulations.** All local regulations adopted under sub. (3) shall be prominently posted by the local authority which enacted them at all public access points within the local authority's jurisdiction and also shall be filed with the department.

### **Wisconsin Administrative Codes**

NR 5.15 **Posting Requirements.** The posting requirements for local authorities under s. 30.77(4), Stats. shall be a sign with a minimum of 3 inch lettering stating "**Local Ordinance**" posted at each public landing. The sign shall list, in letters with a minimum height of 1 inch, a summary, synopsis, or outline of those regulations more restrictive than state law, or shall contain a map made of a durable material showing those areas with local restrictions, or both, including but not limited to speed limits, water ski hours and personal watercraft restrictions, if any.

### **Main Points of Posting Requirement ---**

1. Shall be posted by the local authority which enacted the regulation.
2. Shall be posted at all public access points.
3. Shall be a sign with "**Local Ordinance**" in 3 inch lettering (minimum).
4. Shall list those regulations more restrictive than state law in 1 inch lettering.
5. May be a summary, synopsis or outline of those regulations.



## POSTING OF LOCAL ORDINANCES

EXAMPLE: A township passes a boating ordinance that is 4 pages in length. The ordinance lists upon which waters the regulations pertain, the enforcement agency responsible for enforcement, which state laws are adopted, definitions as found in Chapter 30, Wis. Stats., designation of all slow-no-wake areas to be marked by buoys, water ski hours and hours of slow-no-wake. It also discusses the placement of rafts and construction materials to be used in piers.

### WHAT MUST THE TOWNSHIP POST???

WATER SKI HOURS OR SLOW-NO-WAKE TIMES?

YES! These are the only regulations more restrictive and unique to the lake.

STATE LAWS ADOPTED, i.e., battery covers, registration, age restrictions, slow-no-wake within 100' of a dock, no water-skiing after sunset, OWI rules?

NO, State laws need not be posted – they are the same for boaters throughout Wisconsin.

### SAMPLE OF WHAT SIGN COULD LOOK LIKE



#### **LOCAL ORDINANCE**

**Slow-no-wake speed from sunset to sunrise**

**Slow-no-wake in areas marked by slow-no-wake buoys**

**No water-skiing or similar activity between 7:00 pm and 10:00 am**

Helpful, but not necessary, information the sign might contain:



Telephone number of local police department or 9-1-1



Map of the lake showing slow-no-wake areas, marinas, depth contours

## **CONDITION REPORTS**

If a regulation or regulation change is being enacted pursuant to Section 30.77(3), Wis. Stats., the Department requires that a short condition report giving the surrounding facts be submitted with the ordinance for review. The Condition Report may seem like just another piece of paper, but it is integral to and justifies the ordinance.

The condition report shall include, at a minimum, the following items:

- The local conditions necessitating the regulation or regulation change.
- How the added or changed regulation will solve the problem.
- The negative effects of the corrective measures considered and who will be negatively affected.
- An opinion statement concerning the impact the regulation will have on public health, safety, or welfare if this regulation is not adopted.
- A statement summarizing the arguments of interests opposed to the regulation or regulation change.

Local conditions you might consider include, but are not limited to, citations issued, size of the body of water, width of a channel, depth of the water, concentration of boaters due to constricted areas, egress and ingress from a landing or marina, etc. Support these statements with actual data where possible such as the number of accidents or complaints occurring, number of boat slips, etc.

As you can see from the above listed items, the Condition Report should make explicit why an ordinance is in the public interest. This is important because an ordinance that excludes a part of the general public may raise substantial and material questions of fact. A court test may be required to settle these questions. By showing how and why an ordinance is in the public interest, the Condition Report may prevent a court test.

The Condition Report will enable the Department to investigate the pertinent local conditions requiring the ordinance and complete an advisory review in a more timely manner. Advisory reviews will consider the effect the regulation has on the state from the standpoint of uniformity and enforcement. It will also consider whether or not regulations are consistent or inconsistent with Chapter 30 with regard to public health, safety or welfare. Our review is designed to prevent special interest regulations that do not coincide with the public interest.

An unenforceable or difficult to enforce ordinance is a burden and a source of conflict between the enforcing authority and the people it was enacted to protect. A major reason for creating an ordinance is to lessen conflict. The Department may take action to contest local ordinances that do not provide for public health, safety, or welfare and those which are contrary to or inconsistent with state or federal boating laws.

## **REGULATION OF WATERCRAFT BY TYPE**

There has been much debate regarding local ordinances which restrict or ban certain kinds of watercraft, primarily personal watercraft. The Attorney General has stated that regulations restricting a particular type of watercraft may be appropriate under certain circumstances if the municipality can demonstrate that the interests of public health, safety, and welfare justify the ordinance. The Public Intervenor has outlined points that should be considered in determining the validity of such a regulation. The Department of Natural Resources cannot say whether a restriction of this type would be upheld in court, but recommends that municipalities evaluate their situation based on the following criteria when drafting their boating ordinances and include this information in a condition report which should be submitted to the department together with the draft ordinance for review.

1. What is the goal of the regulation?
2. Why is this a reasonable and rational purpose?
3. How will the regulation accomplish the goal?
4. Is this type of boat reasonably singled out?
  - a) What are substantial distinctions between this type of boat and every other type of boat?
  - b) Do these distinctions reasonably suggest substantially different regulations for this type of boat?
  - c) Are there any other types of boats which do, or could potentially, cause the same problem(s)? How are these types of boats being regulated?
  - d) Does the regulation apply equally to each boat of this type? To each boat which could potentially cause the same problem?
5. Is the condition that causes the perceived need for the regulation only in existence during a certain time of year? Day? If so, when?
6. What are the anticipated results if this regulation is not enacted?
7. Describe the public support for this regulation.
8. Describe the public opposition to this regulation.
9. Are there other less restrictive regulations which could accomplish the goal?
  - a) Have other types of regulations been tried? If so, what were the regulations and what was the outcome?

Many of the complaints the Department receives regarding personal watercraft are with regard to either noise or location of operation. Please be aware that there are laws in place to deal with these problems. Section 30.62(2) of the Wisconsin Statutes regulates

boat noise. Have decibel readings been taken to determine whether any boats are exceeding the legal decibel limit? If so, enforcement action should be taken under s. 30.62(2), Wis. Stats. Section 30.66 and 30.69(3), Wis. Stats. State that PWC cannot operate faster than slow-no-wake within 100' of another craft or 200' of the shoreline of a lake and cannot operate within 100' of a boat towing a skier, the ski rope, or the skier. Oftentimes, enforcement of existing laws can eliminate the problem.

**EXAMPLE ORDINANCE FOR  
ADOPTION OF STATE STATUTES**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF \_\_\_\_\_ AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The (County/City/Town/Village)<sup>1</sup> Board of the (County/City/Town/Village) of \_\_\_\_\_ do ordain as follows:

Section I. **Applicability and Enforcement**

- (a) The provisions of this Ordinance shall apply to the waters of \_\_\_\_\_.
- (b) This chapter shall be enforced by the officers of the (County/City/Town/Village) of \_\_\_\_\_.

Section II **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III **State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

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<sup>1</sup> Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section VII **Severability**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the (County/City/Town/Village) Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VIII **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(County/City/Town/Village) Chairman

\_\_\_\_\_

## EXAMPLE ORDINANCE FOR SLOW-NO-WAKE AREA

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF \_\_\_\_\_ AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village<sup>2</sup>) Board of the (County/City/Town/Village) of \_\_\_\_\_ do ordain as follows:

### Section I. **Applicability and Enforcement**

- (a) The provisions of this Ordinance shall apply to the waters of \_\_\_\_\_.
- (b) This chapter shall be enforced by the officers of the (County/City/Town/Village) of \_\_\_\_\_.

### Section II **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

### Section III **State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

### Section IV **Definitions**

- (a) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

ALSO INCLUDE DEFINITIONS OF OTHER TERMS USED IN YOUR ORDINANCE.
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### Section V **Controlled Area**

No person shall operate a boat faster than slow-no-wake in the waters of (name of area/lake/bay, etc.) beginning (location - specific) and ending (location - specific) at any time.

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<sup>2</sup> Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section VI     **Posting Requirements**

The (County/City/Town/Village) of \_\_\_\_\_ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

Section VII    **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII   **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX     **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(County/City/Town/Village) Chairman

\_\_\_\_\_



## EXAMPLE ORDINANCE FOR SLOW-NO-WAKE HOURS

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF \_\_\_\_\_ AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village<sup>3</sup>) Board of the (County/City/Town/Village) of \_\_\_\_\_ do ordain as follows:

### Section I. **Applicability and Enforcement**

- (c) The provisions of this Ordinance shall apply to the waters of \_\_\_\_\_.
- (d) This chapter shall be enforced by the officers of the (County/City/Town/Village) of \_\_\_\_\_.

### Section II **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

### Section III **State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

### Section IV **Definitions**

- (b) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

ALSO INCLUDE DEFINITIONS OF OTHER TERMS USED IN YOUR ORDINANCE.
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### Section V **Hours of Operation**

No person shall operate a boat faster than slow-no-wake during the hours of \_\_\_\_\_ to \_\_\_\_\_ local time on \_\_\_\_\_ Lake.

<sup>3</sup> Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section VI     **Posting Requirements**

The (County/City/Town/Village) of \_\_\_\_\_ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

Section VII    **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII   **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX     **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(County/City/Town/Village) Chairman

\_\_\_\_\_

**EXAMPLE ORDINANCE FOR  
SLOW-NO-WAKE DURING HIGH WATER PERIODS**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF \_\_\_\_\_ AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village<sup>4</sup>) Board of the (County/City/Town/Village) of \_\_\_\_\_ do ordain as follows:

Section I.     **Applicability and Enforcement**

- (e)     The provisions of this Ordinance shall apply to the waters of \_\_\_\_\_
- (f)     This chapter shall be enforced by the officers of the County/City/Town/Village of \_\_\_\_\_.

Section II     **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III    **State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV     **Definitions**

- (c)     "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

<b>ALSO INCLUDE DEFINITIONS OF OTHER TERMS USED IN YOUR ORDINANCE.</b>
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Section V     **Controlled Area**

No person shall operate a boat faster than "slow-no-wake" in the waters of (name of lake/river, etc.) when the water level exceeds elevation (insert elevation) as

<sup>4</sup> Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

based on the bench mark located at (location). This slow-no-wake restriction will be posted at all public access points when in effect.

Section VI     **Posting Requirements**

The (County/City/Town/Village) of \_\_\_\_\_ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

Section VII    **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII   **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX     **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(County/City/Town/Village) Chairman

\_\_\_\_\_

## **WATER SKIING RESTRICTIONS**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF \_\_\_\_\_ AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village<sup>5</sup>) Board of the (County/City/Town/Village) of \_\_\_\_\_ do ordain as follows:

### Section I. **Applicability and Enforcement**

- (g) The provisions of this Ordinance shall apply to the waters of \_\_\_\_\_.
- (h) This chapter shall be enforced by the officers of the County/City/Town/Village of \_\_\_\_\_.

### Section II **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

### Section III **State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

### Section IV **Definitions**

- (d) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

<b>ALSO INCLUDE DEFINITIONS OF OTHER TERMS USED IN YOUR ORDINANCE.</b>
--

### Section V **Hours of Operation**

No person shall operate a boat faster than slow-no-wake during the hours of \_\_\_\_\_ to \_\_\_\_\_ local time on \_\_\_\_\_ Lake.

<sup>5</sup> Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section VI     **Posting Requirements**

The (County/City/Town/Village) of \_\_\_\_\_ shall place and maintain a copy of this Section at all public access points within the jurisdiction of the (County/City/Town/Village).

Section VII    **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII   **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX     **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(County/City/Town/Village) Chairman

\_\_\_\_\_

## **EXAMPLE ORDINANCE FOR WATER EXHIBITIONS AND RACES**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF \_\_\_\_\_ AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The (County/City/Town/Village) Board of the (County/City/Town/Village) of \_\_\_\_\_ does ordain as follows:

Section I.     Applicability and Enforcement. Persons or groups wishing to conduct any water exhibitions or races as defined by State Statutes or the Wisconsin Administrative Code shall apply for a special permit issued by the Town Clerk after Town Board approval.

- (a)     The provisions of this Ordinance shall apply to \_\_\_\_\_.
- (b)     Exceptions from State boating laws granted through the permitting process apply only to the specific event days and times. These exceptions from State boating laws do not apply for any practice time or dates.
- (c)     The officers of the (County/City/Town/Village) shall enforce this chapter.

Section II.    Intent The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III.   State Boating and Safety Laws Adopted. State boating laws as found in 30.50 to 30.71 and 30.742 Wis. State Stats., and NR 5.19 Wis. Admin. Code are adopted by reference.

Section IV.    Water Exhibition and Race Permit. The permit shall include the following: Permittee, address, telephone number, day(s) or date(s) of the event, hours of the event, day(s) or date(s) of necessary practice, hours of the practice, legal description of the event area, legal description of the practice area, and expiration date.

Section V.     Placement of Buoys. Under the authority granted in NR 5.09(7)(d), Wis. Adm. Code, the (County/City/Town/Village) Board hereby authorizes the permittee to place water-ski buoys at the event location described in the permit for the length of the permit.

Section VI.    Exclusive Use Area. An exclusive use event location on \_\_\_\_\_ is described as follows: (Legal description) \_\_\_\_\_ The permittee shall be granted exclusive use of the event location described above during the authorized day(s) or date(s) and hours of the permitted event. This section does not apply in the case of an

emergency, to the water patrol or to rescue craft, or for the ingress and egress of private riparian owners within the exclusive use area.

Section VII. Water Exhibition and Race Authorized Area. A water exhibition and race authorized practice area on \_\_\_\_\_ (Lake) \_\_\_\_\_ is described as follows: (Legal description) \_\_\_\_\_ The permittee's use of this area is limited to not more than the following days and hours: (List hours).

VIII. Penalties. Wisconsin state boating penalties as found in Wis. Stat. section 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

IX. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the (County/City/Town/Village) Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this Ordinance or the application to any person or circumstances are held invalid the remainder of the Ordinance and the application of such provisions to other persons and circumstances shall not be effected.

X. Effective Date. This section will become effective upon passage and the day after publication.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(County/City/Town/Village) Chairman

\_\_\_\_\_



## EXAMPLE ORDINANCE FOR MOTORBOAT PROHIBITION

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF \_\_\_\_\_ AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village)<sup>6</sup> Board of the (County/City/Town/Village) of \_\_\_\_\_ do ordain as follows:

### Section I. **Applicability and Enforcement**

- (i) The provisions of this Ordinance shall apply to the waters of \_\_\_\_\_.
- (j) This chapter shall be enforced by the officers of the County/City/Town/Village of \_\_\_\_\_.

### Section II **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

### Section III **State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

### Section IV **Motor Boat Prohibited Area**

No person shall operate a motorboat, as defined in 30.50(6), Wisconsin Statutes, that is propelled by internal combustion engine or engines on the waters of \_\_\_\_\_. Electric motors only are permitted on said waters.

### Section V **Posting Requirements**

The (County/City/Town/Village) of \_\_\_\_\_ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

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<sup>6</sup> Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section VII    **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII   **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX    **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(County/City/Town/Village) Chairman

\_\_\_\_\_

## OPTIONAL ORDINANCE SECTIONS

### Section \_\_\_\_ **Speed Restrictions**

Speed restrictions designated in miles per hour can be difficult to enforce; slow-no-wake is preferable in appropriate areas.

A speed limit of \_\_\_\_ is established on the waters of \_\_\_\_\_. No person shall operate a boat faster than the established speed limit.

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### Section \_\_\_\_ **Controlled Area**

No person shall operate a boat faster than slow-no-wake in the waters of \_\_\_\_ (name of area/lake/bay, etc.) beginning \_\_\_\_ (location-specific) and ending \_\_\_\_ (location-specific) at any time.

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### Section \_\_\_\_ **Hours of Operation**

No person shall operate a boat faster than slow-no-wake during the hours of \_\_\_\_\_ to \_\_\_\_\_ local time on \_\_\_\_\_ Lake.

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### Section \_\_\_\_ **Water Skiing**

No person shall water ski or operate any motorboat towing a person engaged in water skiing or similar activity between the hours of \_\_\_\_\_ and \_\_\_\_\_ local time on weekdays and \_\_\_\_\_ and \_\_\_\_\_ local time on weekends from (date) to (date).

Or

No person shall water ski or operate any motorboat towing a person engaged in water skiing or similar activity between the hours of \_\_\_\_\_ and \_\_\_\_\_ local time on weekdays and \_\_\_\_\_ and \_\_\_\_\_ local time on weekends from (date) to (date) on the waters of (Name of Lake) in the area of (Name of bay or specific lake area).

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### Section \_\_\_\_ **Traffic Rules**

On \_\_\_\_ (lake name(s)) between the hours of \_\_\_\_\_ and \_\_\_\_\_ local time, no person shall operate a motorboat at a speed greater than "slow-no-wake" except in a \_\_\_\_\_ (counterclockwise or clockwise direction).

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Section \_\_\_\_ **Gas Powered Motor Boat Prohibited Area**

No person shall operate a motorboat, as defined in 30.50(6), Wisconsin Statutes, that is propelled by internal combustion engine or engines on the waters of (lake name) in the area described as \_\_\_\_\_.  
Electric motors only are permitted on said waters.

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Section \_\_\_\_ **Ski Pick-Up/Drop Area**

A Water Ski Pick-Up/Drop area is hereby established, pursuant to Wisconsin Statute 30.69(3), in that area of (Lake/River) adjacent to the (launch area/pier at Location). The Ski Pick-Up/Drop area shall be defined as an area no more than 100 feet (100') from the location of the (area of dock or pier) as marked by regulatory markers.

The Ski Pick-Up/Drop area hereby established will only be in effect when appropriate regulatory marker(s) are in place.

The Ski Pick-up/Drop area shall only be in effect during times and dates designated in a (City/Town/Village Board/governing agency) issued permit, as provided for in Section (fill in from ordinance).

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Section \_\_\_\_ **Regulation of Mooring**

No person shall place or use a mooring buoy within 200' from shore in the waters of (Name of Lake) without first obtaining a permit. Permits to place moorings shall be issued by the (Name of responsible local official). Applicants shall demonstrate compliance with the standards approved by the (City/Town/Village Board/governing agency) and the requirements of 30.772, Wis. Stats. All buoys shall conform to the requirements of NR 5.09, Wis. Adm. Code.

<p><b>Include local regulations relating to number of moorings, distance between moorings and other moored boats and traffic areas, number of boats attached to moorings, etc. as outlined.</b></p>
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## EXAMPLE MOORING ORDINANCE

A SOLE ORDINANCE TO REGULATE MOORING OF BOATS UPON THE WATERS OF \_\_\_\_\_ AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The (County/City/Town/Village) Board of the (County/City/Town/Village) of \_\_\_\_\_ do ordain as follows:

### Section I **Applicability and Enforcement**

- (a) The provisions of this Ordinance shall apply to the waters of \_\_\_\_\_.
- (b) This chapter shall be enforced by the officers of the (County/City/Town/Village) of \_\_\_\_\_

### Section II **Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

### Section III **Definitions**

- (a) "Mooring" when used as a noun means a mooring anchor and mooring buoy together with attached chains, cables, ropes and pennants and related equipment, unless there term is qualified or restricted.
- (b) "Mooring anchor" means any anchor or weight which is designed to rest on the bed or to be buried in the bed of a navigable water, which is designed to be attached by a chain, cable, rope or other mechanism to a mooring buoy and which is designed to be left in position permanently or on a seasonal basis.
- (c) "Mooring buoy" means any float or marker which is attached to a mooring anchor and either is suitable for attachment to a boat through the use of a pennant or other device or facilitates the attachment of the boat to the mooring anchor.

### Section IV **Regulation of Mooring**

No person shall place or use a mooring buoy within 200' from shore in the waters of (Name of Lake) without first obtaining a permit. Permits to place moorings shall be issued by the (Name of responsible local official). Applicants shall demonstrate compliance with the standards approved by the (City/Town/Village

Board/governing agency) and the requirements of 30.772, Wis. Stats. All buoys shall conform to the requirements of NR 5.09, Wis. Adm. Code.

**Include local regulations relating to number of moorings, distance between moorings and other moored boats and traffic areas, number of boats attached to moorings, etc. as outlined in 30.772(3).**

Section V      **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VI      **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village) Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VII      **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(County/City/Town/Village) Chairman

\_\_\_\_\_

**EXAMPLE ORDINANCE  
DESIGNATED MOORING AREA**

The (County/City/Town/Village) Board of the (County/City/Town/Village) of \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, pursuant to Section 30.773, Wis. Stats., hereby creates Section \_\_\_\_\_ of the Municipal Code to read as follows:

**Section I      Intent**

The intent of the listed designated mooring areas (DMAs) is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

**Section II      Applicability and Enforcement**

The provisions of this ordinance shall apply to the below DMAs. The provisions of this ordinance and administrative code for the below listed DMAs shall be enforced by the officers of the (water safety patrol/police) of the (County/City/Town/Village) of \_\_\_\_\_.

**Section III      State Mooring and Safety Laws Adopted**

State regulations and regulations applicable to moorings as found in Chapter 30 of the Wisconsin Statutes are adopted by reference.

**Section IV      Mooring Area Descriptions**

(These descriptions are provided as an **example** only. Descriptions must be the same as provided on the DMA map.)

- a.      Designated Mooring Area #1 - Moorland Park DMA
- Beginning at the northerly most meander corner of lot 2 of Certified Survey Map No. 3631, Document No. 1696280 recorded in Volume 15 of Certified Surveys on pages 1,2 and 3, \_\_\_\_\_ County Register of Deeds (Continue with legal description)
- Moorland Park DMA contains (xxx.x) acres.
- b.      Designated Mooring Area #2 - (Optional name)
- Beginning..... DMA contains (xxx.x) acres.
- c.      Etc.

Section V      **Standards**

The above listed DMAs will be established, operated and maintained in accordance with the standards of approval as stated in s. 30.773(3) Wis. Stats.

Section VI      **Mooring Area Regulations**

<p><b>Describe placement of moorings, fees, eligibility for use, type of mooring, weight of anchor, attachment to boat, etc.</b></p>
--

Section VII      **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII      **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX      **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(County/City/Town/Village) Chairman

\_\_\_\_\_



## **DESIGNATED MOORING AREAS**

Municipalities may establish designated mooring areas by following the procedures outlined in ss 30.773, Wis. Stats. The requirements are briefly outlined here.

The designated mooring area must meet the following requirements:

1. The mooring area must be more than 150 feet from the ordinary high-water mark.
2. The establishment and operation of the mooring area may not materially obstruct navigation.
3. The establishment and operation of the mooring area cannot be detrimental to public rights or interests in the waterway.
4. The mooring area cannot be within and cannot adversely affect a critical or significant fish or wildlife habitat area.
5. The establishment and operation of the mooring area must comply with all applicable zoning requirements.
6. All riparian owners must agree in writing to the establishment of the mooring area.
7. The use of the mooring area cannot be unfairly restricted or used to exert exclusive privileges for use of the navigable waters.

The required submittals for a DMA application are outlined below.

1. A statement indicating the municipality has jurisdiction over the water. Wisconsin Statute 30.772(1) states:

"Subject to department approval, a municipality with jurisdiction over navigable waters may establish designated mooring areas as provided in this section".
2. A statement indicating approval from the Board of Harbor Commissioners or a statement indicating the municipality does not have a board of harbor commissioners.
3. Six (6) copies of an ordinance creating the designated mooring area. The legal description of the DMA in the ordinance must match the metes and bounds description on the map. This ordinance must be created by the municipality. (See sample ordinance.)
4. Six (6) copies of a map of the designated mooring area. Map requirements:
  - a. Scale not less than 100 feet to the inch.

- b. The map must indicate the exact surveyed boundary of the mooring area.
  - c. The map must show adjacent riparian areas and delineate adjacent riparian areas by a method use in Chapter NR 326, Wis. Administrative Code. The method used must be stated on the map.
  - d. The map must indicate it was prepared by a registered surveyor in the state of Wisconsin.
  - e. The map must state on it, the metes and bounds description of any bulkhead line adjacent to the DMA.
  - f. The map must show the placement of informational waterway markers for the DMA. (The map must include the Informational "Mooring Area" marker placement).
- 5. A statement indicating the establishment and operation of the mooring area does not materially obstruct navigation.
  - 6. A statement indicating the establishment and operation of the mooring area is not detrimental to public rights or interest in the waterway.
  - 7. A zoning administrator statement that the establishment and operation of the DMA complies with all applicable zoning requirements.
  - 8. The signature of all riparians agreeing to the establishment and operation of the mooring area.
  - 9. A statement from the applicant indicating how the DMA will be used, that the DMA is not unfairly restricted or used to assert exclusive privileges for use of the navigable waters and will be open to public navigation.
  - 10. A properly completed Waterway Marker Application (Form 8700-58) showing the placement of the informational boundary markers.

## WATERWAY MARKERS

Waterway markers may be placed in all state waters. All waterway markers placed in, on, or near the water must comply with the uniform waterway marking system established in NR 5.09, Wisconsin Administrative Code. No municipality or person may mark the waters of the state in any manner that conflicts with this system.

Waterway markers can be authorized only by an agency or political subdivision of the state having jurisdiction over the waters and must be approved by the Department. Applications for placement of waterway markers must be filed on Form 8700-58 and must be accompanied by a map or sketch showing the proposed location of the markers. Exact location must be expressed in distances from one or more fixed objects whose location is known. The local municipality should verify that the application is filled out properly and then complete Section II of the application form indicating political subdivision approval or disapproval. **Any applications received by the Department which do not have Section II filled out and signed off by the political subdivision will be returned.**

The responsibility for placement and maintenance of waterway markers lies with the local municipality. If alternate arrangements have been made for the placement and maintenance of buoys, this should be specifically stated on the placement application form.

Completed applications should be forwarded to your local Conservation Warden or Regional Recreational Safety Warden for Department approval or disapproval. You will receive the completed application in the mail together with a letter from the Department indicating Department approval or disapproval.

## DISPLAY OF MARKERS

A waterway marker may be displayed as a sign on a fixed support, as a buoy bearing a symbol on its surface or as a sign mounted on a buoy. When a waterway marker is displayed as a sign it should conform to the Uniform State Waterway Marking System by:

- Displayed on a white background with a band of international orange at the top and bottom.
- Letters and Numerals shall be black, in block characters of good proportion, spaced in a manner which will provide maximum legibility, and of a size which will provide the necessary degree of visibility.
- Displaying Uniform State Waterway Marking System symbols (see page 41) in international orange. Symbols shall be not less than 2 inches in width and shall be 2/3 of the display area height.

## **BUOY TYPES AND REQUIREMENTS**

Following is a description of the different types of waterway markers, together with any special requirements for each.

1. Control Buoys - These buoys indicate controlled areas such as: slow-no-wake, no skiing, no scuba diving, etc. where speed or activities are restricted.



2. Boats Prohibited Buoys - These buoys indicate Swimming areas, waterfalls, rapids, dams, etc. All boats, motorized and non-motorized, are prohibited from entering.



### **Requirements to Place Control and Boats Prohibited Buoys:**

- a. Except for swimming areas, a local ordinance must be passed to authorize the placement of either of the buoys. The ordinance must specifically describe the location of all buoys.
- b. The justification for creating the restriction must be the protection of public health, safety, welfare and not primarily for the benefit of private interests.
- c. A Waterway Marker Application and Permit (Form 8700-58) must be filled out. Local government approval is needed in Section II of the form.
- d. Department of Natural resources review of the ordinance and approval of the application is required.
- e. The buoys must be placed by individuals with proper authorization from the municipality having jurisdiction over the waters involved.
- f. Swim area buoys can only be approved for placement in conjunction with swim areas operated by resorts, clubs, or civic organizations where they are open to the public or used by large number of people.
- g. The buoys must be of the proper type:
  - Cylindrical in shape.
  - A minimum of 36 inches above the waterline.

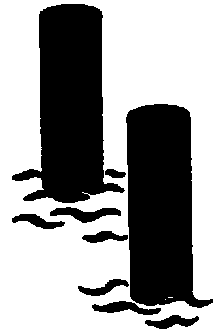
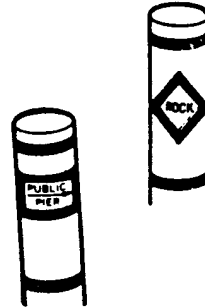
- A minimum diameter of 7 inches.
- The information on the buoy must be printed in black.
- The "Control" buoy will be white with an orange circle.
- The "Boats Prohibited" buoy will be white with an orange diamond with an orange cross inside.

3. Danger Buoys - These buoys are used to warn boaters of rocks, cables, stumps, dams, etc.

4. Information or Direction Buoys - These buoys inform boaters of direction, distances, locations, rules, etc.

5. All Green and All Red Buoys - These buoys are used in pairs and boaters should pass between them. If the buoys are numbered, the red buoys have even white numbers and the green buoys have odd white numbers. When traveling upstream, the green marks the left side and the red marks the right side of the channel.

6. All White Buoys with Black Vertical Stripes - These buoys mark the most navigable route of safe passage and should be passed closely on either side.



#### Requirements to Place Danger, Information, and Red, Green, and Black-and-White Buoys:

- a. A Waterway Marker Application and Permit (Form 8700-58) must be filled out. Local government approval is needed in Section II of the form.
- b. Department of Natural Resources review and approval of the application is required.
- c. The buoys must be placed by individuals with proper authorization from the municipality having jurisdiction over the waters involved.
- d. The buoys must be of the proper type:
  - Cylindrical in shape.
  - A minimum of 36 inches above the waterline.
  - A minimum diameter of 7 inches.
  - The "Danger" buoy will be white with an orange diamond. Any information will be printed on this buoy in black.
  - The "Information" or "Direction" buoy will be white with an orange square. Any information will be printed on this buoy in black.

## 7. Requirements to Place Mooring Buoys

For mooring buoys within 150 feet of shore, no Department approval or permit is required. A permit may be required from the political subdivision, however, if they have enacted a local ordinance regulating mooring. Local municipalities may enact ordinances regulating mooring up to 200 feet from shore.

Even though permit approval may not be necessary for buoys within 150 feet of shore (200 feet if regulated by local ordinance), persons placing buoys must meet the requirements of s. 30.772(2), Wis. Stats., which are:

- a. Riparian owners must have given written permission.
- b. The mooring may not interfere with the public rights or interests in the navigable waters and must not obstruct navigation.
- c. The mooring or use may not interfere with the rights of the other riparians.
- d. The mooring or use may not adversely affect critical or significant fish or wildlife habitat.
- e. The mooring buoy must be of the proper size and type as outlined below.

For mooring buoys placed more than 150 feet from shore (or 200 feet where regulated by local ordinance):

- a. A Waterway Marker Application and Permit (Form 8700-58) must be filled out. Local government approval is needed in Section II of the form. The applicant must be the riparian owner.
- b. An Individual Mooring Justification Worksheet (Form 8700-192) must be completed.
- c. Department of Natural Resources review and approval of the application is required.
- d. The mooring may not interfere with the public rights or interests in the navigable waters and must not obstruct navigation.
- e. The mooring or use may not interfere with the rights of the other riparians.
- f. The mooring or use may not adversely affect critical or significant fish or wildlife habitat.

- g. The mooring buoy must be of the proper size and type as outlined below.
- h. Any boat moored more than 200 feet from the shoreline is required to be lighted from sunset to sunrise by a white light visible all around the horizon. (Boats moored in a DNR-approved designated mooring area are exempt from this lighting requirement.)

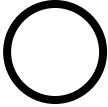

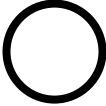
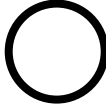



















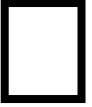
#### MOORING BUOY SPECIFICATION

In addition to the previously outlined requirements, all mooring buoys must be of the following size and type.

- 1. Mooring buoys must be white with a blue strip midway between the top and the waterline.
- 2. They must be spherical or ovate in shape.
- 3. They must extend a minimum of 18 inches above the waterline.

## SYMBOLS

## MESSAGES

<p>CONTROLLED AREA</p> <p>12"  2" Band</p>	<p>SLOW  WAKE</p> <p>SKI  AREA</p> <p>NO  SKI</p>
<p>DANGER</p> <p>11" 14"  2" Band</p>	<p>ROCK  DANGER  RAPIDS  SHORE  STUMP  SHALLOW  HAZARD </p> <p>AREA AREA</p>
<p>RESTRICTED AREA</p> <p>11" 14"  2" Band</p>	<p>SWIM  KEEP  NO  BOATS  CLOSED  DAM </p> <p>AREA OUT BOATS KEEP OUT AREA DAM</p>
<p>INFORMATION</p> <p>11" 14"  2" Band</p>	<p>MOORING  AREA</p> <p>STATE  PARK</p> <p>MARINA  ENTRANCE</p> <p>SLALOM  AREA</p> <p>Information buoys usually require special markings</p>
<p>CENTER CHANNEL MARKER</p> <p>Available with Black Stripes and Reflective Band</p>	<p>CHANNEL MARKER</p> <p><b>All Red or Green</b></p> <p>When proceeding upstream.. <b>Red</b> buoys mark right side of channel <b>Green</b> buoys mark left side of channel</p>

\*OTHER WORDING TO MEET SPECIAL NEEDS IS AVAILABLE

These symbols conform to inland Waterway Marking  
Regulations, as specified by the State of  
Wisconsin and the U.S. Coast Guard.



State of Wisconsin  
Department of Natural Resources  
Box 7201  
Madison, Wisconsin 53707

WATERWAY MARKER APPLICATION AND PERMIT  
Section NR 5.09, Wis. Adm. Code  
Form 8700-58 Rev. 5-91





☐ Placement ☐ Discontinue ☐ Change

BLE	District
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THE \_\_\_\_\_ OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, WISCONSIN.

Instructions and qualifications on back of form. Complete form set (all 3 copies) and contact your local conservation warden.

SECTION I - APPLICANT AND PROPERTY OWNER

Property Owner's Name		Applicant's Name			
Street or Route		Street or Route			
City, State, Zip Code		City, State, Zip Code			
Telephone Number (include area code)		Telephone Number (include area code)			
I consent to the placement of water marker(s) adjacent to the waters of my private property. Property Owner's Signature		Name of lake or body of water on which buoys are to be placed			
Date Signed		Location of marker(s) Township Range Section			
Type of Marker(s)	Qty.	Type of Marker(s)	Qty.	Message On Marker	Remarks
Aid to Nav. Center	_____	Boat Excluded 	_____	_____	Name of Beach
Aid to Nav. Red	_____	Swim Area 	_____	Swim Area	_____
Aid to Nav. Green	_____	Controlled Area 	_____	_____	_____
Mooring	_____	Hazard Warning 	_____	_____	_____
	_____	Informational <input type="checkbox"/>	_____	_____	_____
Qty.		Describe:			
Non-standard		_____			
Attach a sketch(es) or chart(s) showing the proposed location of the marker(s). Express exact location of water marker(s) in distance from one or more fixed objects, whose location is known.					
The above information provided in support of the application for placement of water marker(s) is true and correct.					
Applicant's Signature				Date Signed	

SECTION II - POLITICAL SUBDIVISION

<input type="checkbox"/> Approved -- The above named applicant may place and maintain, subject to DNR approval, the described marker(s).		
<input type="checkbox"/> Disapproved -- The placement of the described marker(s) may not take place.		
Restrictions <input type="checkbox"/> None <input type="checkbox"/> Yes -Restrictions: _____		
Approved By (Name)	Title	Date Signed
Agency - Political Subdivision or DNR	Applicant Shall Comply with all State and/or Local Requirements.	

LEAVE BLANK - DEPARTMENT OF NATURAL RESOURCES USE ONLY

Warden's Recommendation <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	LE Safety Specialist <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
By (Warden's Signature)	Date Signed
Ordinance on File <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	Bureau of Law Enforcement <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
	By _____ Date Signed

Permit Distribution: Copy 1 - Dept. of Natural Resources, Madison, Copy 2 - Political Subdivision, Copy 3 - Permittee.

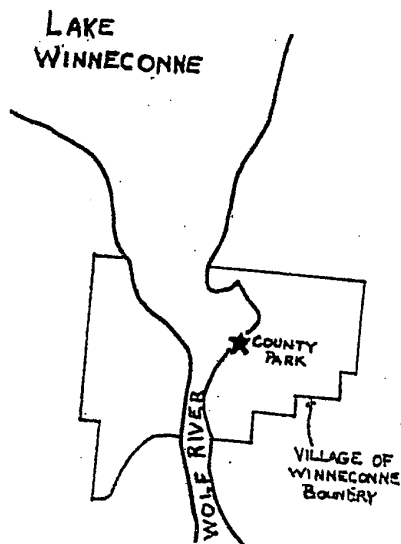
Waterway marker(s) may not be placed until all the requirements of Section NR 5.09, Wis. Adm. Code, are met.

## SKETCHES AND MAPS FOR WATERWAY MARKER APPLICATIONS

Sketches must show the location of the marker(s) from one or more fixed object whose precise location is known. This enables a person to take the Waterway Marker Application and the map attached to it to the fixed object, and from there is able to locate the waterway marker(s).

If the markers restrict or prohibit operation of a motorboat (such as a swim area), the restricted area must be very noticeable to a boater. In most of these situations, more than one waterway marker will be needed.

Normally the sketch criteria can be satisfied by marking on a map of some type the location of the area and then sketching an additional map showing the location of the marker(s) from the fixed object.



A = Point from which beach measurements were taken.

Steel post in ground.

Points b, c, d, e are the swimming beach buoy markers.

Arrow G is the beach length of 120 ft.

Arrow H is the beach width of 80 ft.

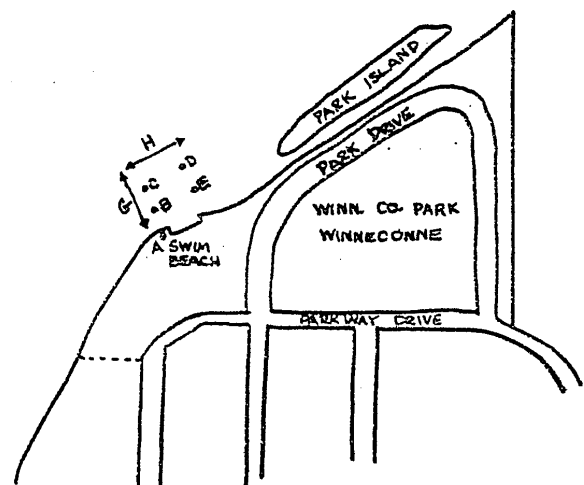
Buoy placement as follows:

Distance A to B is 60 ft.

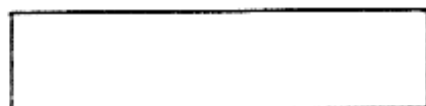
" B to C is 60 ft.

" C to D is 80 ft.

" D to E is 60 ft.



NO SCALE



Requirements for individual moorings are found in s. 30.772 Wis. Stats. The Department will not consider this form unless it is used in conjunction with a Waterway Marker Application, Form 8700-58.

Moorings are placed in the water to aid in navigating the waters of the state. Moorings require a demonstratable need to further navigation and are not solely for the convenience of the applicant. The benefits of aiding navigation must outweigh the danger to public health, safety and welfare of placing the mooring. The mooring must meet the lighting requirements of ss. 30.772 or 30.61(6)(a), Wis. Stats. The mooring must not be a hazard to navigation or interfere with the public right of navigation.

### Mooring Information

1. The mooring is \_\_\_\_\_ ft. from shore. The riparian shore line is \_\_\_\_\_ ft. long.

2. Boat type. The boat to be attached to the mooring must be of a configuration that requires a mooring.

Type of boat \_\_\_\_\_ Boat Number \_\_\_\_\_

Length \_\_\_\_\_ ft. Weight \_\_\_\_\_ lbs. Draft \_\_\_\_\_ ft. \_\_\_\_\_ in.

3. Trailerability. How difficult is it to transport the boat for water sports?

☐ No Problem ☐ Some Difficulty ☐ Moderate Difficulty ☐ Severe Difficulty

4. What is the minimum distance between the bottom of the boat and the lake/river bottom, when the boat swings full circle around the mooring buoy? \_\_\_\_\_ ft.

5. Mooring diagrams.

### Diagram of the Mooring

(back of the sheet)

Draw diagrams to scale or as close to scale as possible. Show important distances on the diagrams.

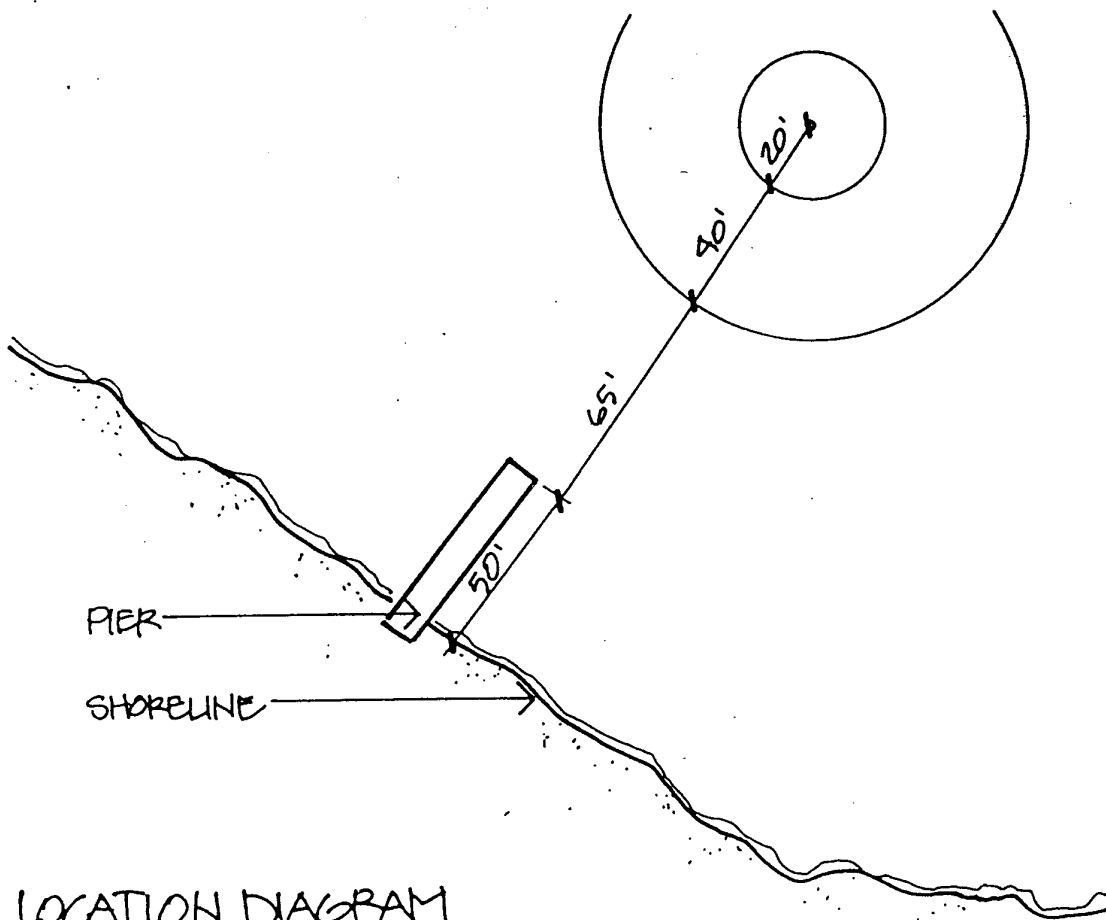
1. Location Diagram.

a. The location of the mooring in relation to the lake, fixed points on shore and any piers, rafts and other moorings.

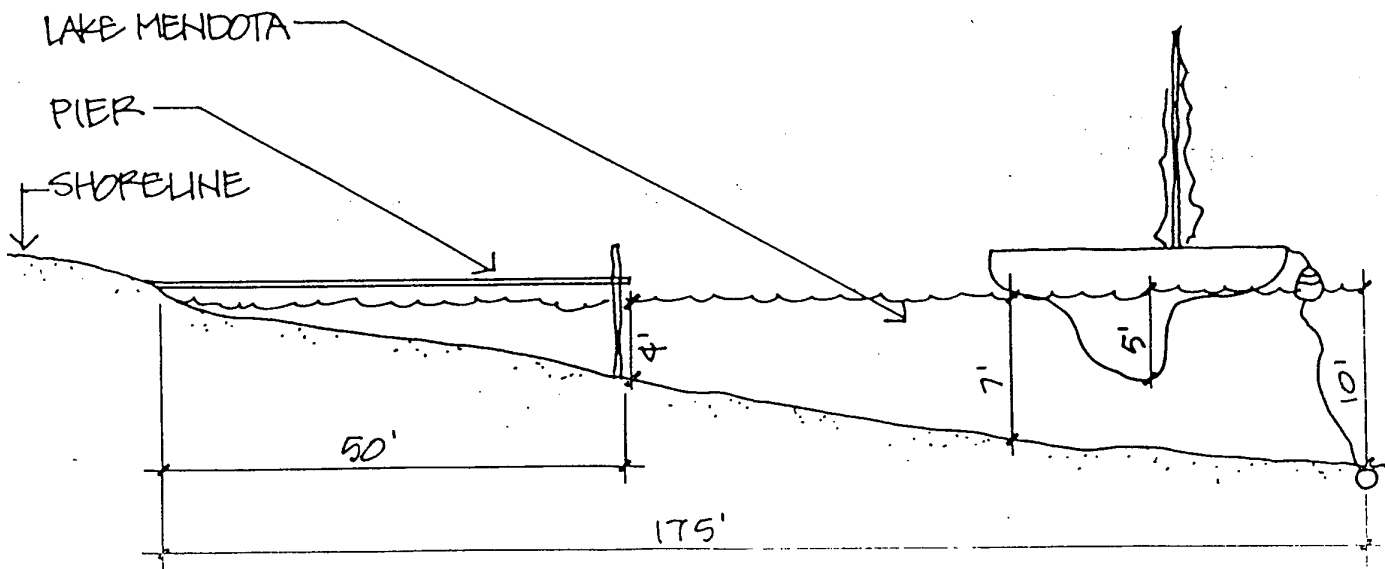
b. Show the maximum swing of the boat on the mooring.

2. Cross Section Diagram.

The boat bottom in relation to the lake/river bottom, at the minimum distance when the boat swings full circle around the mooring buoy.



LOCATION DIAGRAM



JUSTIFICATION DIAGRAM

## **ESTABLISHING A SLALOM COURSE**

Following are the steps necessary for application for a slalom permit.

1. If your slalom course involves the placement of a structure on the bed of the waterbody, contact the Area Water Management Specialist at your DNR Region office who will help you begin the process to obtain a Chapter 30.12, Wis. Stats., permit.
2. Complete Section I of Form 8700-58. In section I of the form, you must receive the written signature(s) of the riparian owner(s) whose property the course will lie in front of. If there is more than one riparian owner involved, simply write "See Attached" in the property owner section of the form and attach a separate sheet containing names, addresses, phone numbers and signatures of all riparian owners. If any of the riparian owners do not agree in writing to the placement of the slalom course, the application cannot be approved.

Indicate on form 8700-58 the number of informational buoys which will be used to mark the boundaries of the slalom course and also the number of slalom course buoys which you plan to install (see example in this booklet). See NR 5.09(7)(b), Wis. Adm. Code, attached which outlines the size and shape requirements for the actual slalom buoys.

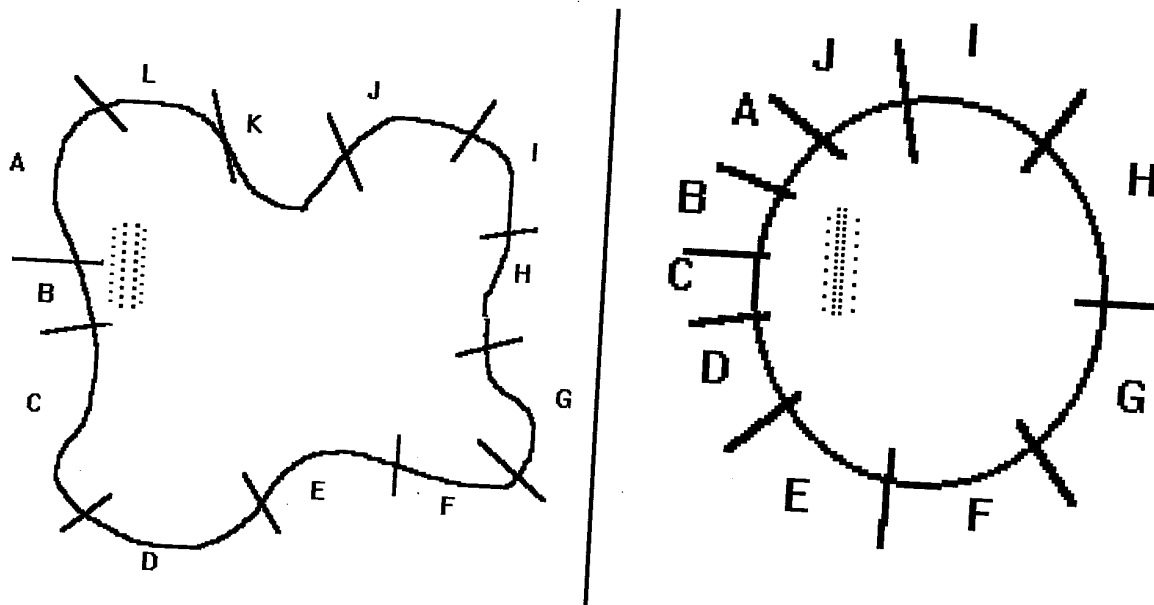
3. Attach map(s) showing the configuration of the buoys with exact measurements from one or more fixed objects. Also include on the map(s) the property boundaries and owner's names of the riparian properties which the slalom course will lie in front of. See the attached maps which demonstrate how to determine riparian boundaries.
4. Take the Form 8700-58, together with the map(s) and riparian signatures, to the political subdivision having jurisdiction over the waterbody. Have them complete Section II of the form.
5. Forward the completed, signed application, together with map(s), riparian signatures, and approved Chapter 30.12 permit (for placement of the structure on the waterbody bed), to your local conservation warden for review. The local warden will indicate his/her approval or disapproval, and forward the application on to the Regional Recreation Safety Warden.

If you have further questions, please contact your local warden.

**NR 5.09(7)(b)** Race course markers including water ski and slalom markers. In order that race course, water ski and slalom buoys are not mistaken for aids to navigation or regulatory markers, they shall:

1. Extend a minimum of 4 inches above the waterline and be yellow, green, florescent red or florescent orange in color;
2. Be spherical or cylindrical in shape with a minimum diameter of 8 ¾ inches and a maximum diameter no larger than 14 inches;
3. Be made of foam, plastic or rubber designed to be used as a water marker.

#### EXAMPLES OF DETERMINING RIPARIAN PROPERTY OWNERS



A & B riparian permission required.

A, B, C & D riparian permission required.

#### INFORMATIONAL BOUNDARY MARKER



These informational buoys shall be placed to mark the boundaries of the slalom course. Informational buoys shall have a minimum size of 36 inches riding above the waterline and have a diameter of 7 inches. They shall be white with orange markings and black lettering. The message "slalom course"

State of Wisconsin  
Department of Natural Resources  
Box 7201  
Madison, Wisconsin 53707

WATERWAY MARKER APPLICATION AND PERMIT  
Section NR 5.09, Wis. Adm. Code  
Form 8700-58 Rev. 7-92

☐ Placement ☐ Discontinue ☐ Change

BLE	District	THE	OF
		COUNTY OF	WISCONSIN.

Instructions and qualifications on back of form. Complete form set (all 3 copies) and contact your local conservation warden.

SECTION I -- APPLICANT AND PROPERTY OWNER

Property Owner's Name		Applicant's Name	
Street or Route		Street or Route	
City, State, Zip Code		City, State, Zip Code	
Telephone Number (include area code)		Telephone Number (include area code)	
I consent to the placement of water marker(s) adjacent to the waters of my private property. Property Owner's Signature		Name of lake or body of water on which buoys are to be placed	
Date Signed		Location of marker(s) Township Range Section	
Type of Marker(s)	Qty.	Type of Marker(s)	Qty.
Aid to Nav. Center		Boat Excluded	
Aid to Nav. Red		Swim Area	
Aid to Nav. Green		Controlled Area	
Mooring		Hazard Warning	
		Informational	
		Message On Marker	
		Remarks	
		Name of Beach	
		Swim Area	
		Slalom Course	
Non-standard		Describe:	
Qty.		Slalom Buoys	
Attach a sketch(es) or chart(s) showing the proposed location of the marker(s). Express exact location of water marker(s) in distance from one or more fixed objects, whose location is known.			
The above information provided in support of the application for placement of water marker(s) is true and correct.			
Applicant's Signature		Date Signed	

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<input type="checkbox"/> Approved -- The above named applicant may place and maintain, subject to DNR approval, the described marker(s).		
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Applicant Shall Comply with all State and/or Local Requirements.		

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By (Warden's Signature)		By	
Date Signed		Date Signed	
Ordinance on File <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required		Bureau of Law Enforcement <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
		By	
		Date Signed	

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Waterway marker(s) may not be placed until all the requirements of Section NR 5.09, Wis. Adm. Code, are met.



**JOHN LACENSKI**  
**BOATING LAW ADMINISTRATOR**  
**BUREAU OF LAW ENFORCEMENT**  
**P.O. BOX 7921**  
**MADISON, WI 53707-7921**

**Boating Safety Specialist - Leanne LeBoeuf (608) 266-2203 email: leboel@dnr.state.wi.us**

